

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5405 of 1995

to

FIRST APPEAL No.5417 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
SPL LAQ OFFICER

Versus

PATEL NATHALAL GODADDAS

-----  
Appearance:

Mr. M.R. Anand, GP, with Mr.L.R. Pujari, AGP for appellants.

Mr. Nitin Amin for respondents.  
-----

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 08/05/96

ORAL JUDGEMENT

1. Heard the Govt.Pleader for appellant and Mr.Amin for the opponents-original claimants. The appeals are admitted. Mr. Amin waives service on behalf of the concerned opponents.

2. At the joint request of the learned counsel for the respective parties, these appeals are taken up for final hearing today.

3. After discussion on the merits of the impugned judgement, there is a consensus between the learned counsel that the market value of the land arrived at by the District Court in the impugned judgement is mainly and substantially based upon Exh.13. Exh.13 is the certified copy of the judgement of the same Court in earlier References under section 18 of the Land Acquisition Act. viz. Land Reference Nos.77/87 to 98/87.

4. Learned counsel for the respective parties jointly state that the aforesaid Exh.13 was challenged by the State in a group of appeals before this Court. These appeals were First Appeal Nos.1023/95 to 1044/95. This group of First Appeals came to be heard and decided by me by judgement and order dated 26th February 1996.

5. Learned counsel for the respective parties, after discussing the said judgement, as also the impugned judgement, submit that my earlier decision would govern the facts of the instant case and that there is no material difference and/or distinction which would justify taking a different view, so far as determination of the market value of the acquired lands is concerned.

6. For the reasons stated by me in the aforesaid decision, the market value determined by the District Court in the earlier References i.e. Exh.13, was determined by me at Rs.8/- per square meter. Consequently the appeals by the State in respect of Exh.13 were partly allowed.

7. Furthermore, on the basis of my aforesaid decision, I have also decided another group of appeals namely F.A.Nos. 5366/95 to F.A.No.5377/95 by judgment and order dated 4.5.96, where also the decision of the District Court awarding Rs.10/- per sq.mt.was revised and the said appeals were partly allowed by fixing the market value at Rs. 8/- per sq.mt.

8. When the aforesaid decision is applied to the facts of the present group of appeals, the market value determined by the District Court in the impugned award at Rs.10/- per square meter is required to be interfered with, inasmuch as the same is substantially on the higher side. In view of the reasons given by me in the

aforesaid decision, the appropriate market value even in respect of the instant acquisition would be Rs.8/- per square meter. Accordingly the market value of the acquired lands in the instant case is fixed at Rs.8/- per square meter, and the awards impugned in the present group of appeals are accordingly modified to this extent. It is clarified that apart from this modification, the impugned awards are otherwise confirmed.

9. These appeals are, therefore, partly allowed with no orders as to costs.

10. Decree accordingly.

11. By consent it is directed that the appellants shall deposit in the trial court the requisite amount as per the present decree, separately in each Land Reference Case, within 90 days from today. Direct Service permitted.

\*\*\*\*\*